IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 23762 of 2004

Between:

K.S. Ummar, S/o. Late Hameed Saheb,
R/o. Khateeb Street, Forty, Gooty, Anantapur District.

..... PETITIONER

AND

1 The Superintendent of Police, Anantapur, Anantapur District.
2 The Circle Inspector of Police, Gooty, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in harassing the petitioner in implicating in false cases as illegal, arbitrary and violative of Art.19(1) and Art.21 of the Constitutional of India and consequently direct the respondents to desist from harassing the petitioner without registering any crime.

Counsel for the Petitioner: MR.C.PRAVEEN KUMAR

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following:

ORDER:

The petitioner seeks a declaration that the action of the respondents in harassing him and implicating him in false cases is illegal, arbitrary and violative of Articles 19(1) and 21 of the Constitution of India.

Petitioner states that Crime No.212 of 2004 was registered against him on 06.12.2004 alleging that he committed crimes under Sections 3 and 4 of the A.P. Gaming Act and the falsity of the same is evident from the fact that the charge sheet was filed on the very next day. He contends that the respondents are trying to implicate him in other false cases.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The respondents have already registered Crime No.212 of 2004 against the petitioner. Inasmuch as the charge sheet is said to have been filed in that case, it may not be necessary for the respondents to require the petitioner to attend the police station. The truth or otherwise of the allegations against the petitioner in that case needs to be considered at the trial of the matter.

The petitioner apprehends that he may be implicated in other cases. No direction as such can be issued to the effect that the petitioner shall not be implicated in any case at all. However, he can be proceeded against by the respondents only when a specific complaint is received against him or when a case is registered under the relevant provisions of law.

Hence, the writ petition is disposed of directing that the rights of the petitioner shall not be interfered, except in accordance with the relevant provisions of law and after registering a case against him. There shall be no order as to costs.

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27.12.2004

Jsu

TO

1 The Superintendent of Police, Anantapur, Anantapur District.
2 The Circle Inspector of Police, Gooty, Anantapur District.

3 2 CCs to the G.P. for Home, High Court Buildings,

Hyderabad. (OUT)

4 2 CD copies.